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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,598	01/22/2004	Bobby B. Brown	IDF 2476 (4000-14300)	5046
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SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER INGBERG, TODD D	
			ART UNIT 2193	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/762,598

**Applicant(s)**

BROWN ET AL.

**Examiner**

Todd Ingberg

**Art Unit**

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/22/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2193

### **DETAILED ACTION**

Claims 1 – 29 have been examined.

#### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are handwritten. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Specification***

2. The use of the trademark in claims 9 and 11 has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2193

Claim 2 – “standard form” is indefinite in the current scope of the claims. No patentable weight is given.

Claims 4 and 5 – “discriminate” is indefinite as to its clear and concise meaning with in the limitations of the claims. No patentable weight is given.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 10-11, 23, 26 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the commercial Configuration Management Tool by Microsoft Visual SourceSafe (VSS) , Steven Banick (1997) in view of incremental compiling as taught by The Jalapeno Dynamic Optimizing Compiler for Java, Michael G. Burke et al (1999).

NOTE: Applicant's use of the term version and the limitations present in most occurrences, does not limit the interpretation of a single version where the latest change is the version.

**Claim 1**

VSS teaches a system for managing software builds (VSS, is a configuration management tool, see page 9), comprising: a code control system operable to maintain a code version and a information associated with the code version (VSS, page 89-95, 86-89); a parser module in communication with the code control system (Inherent in the Java Compiler), the parser module operable to parse the information associated with the code version (Java, , by definition if it produces code the code is considered a version) and create a change report (VSS, page 15, Differences Utility) ; and a compiler module in communication with the code control system (As per above) and operable to compile the code version into an object version based (Java is a compiler by definition) on the change report (VSS, page 15 – Note the current language does not directly tie the change report as driving the rebuild. The Difference utility also shows the differences and the compiler builds based on the fact the file has changed – Those changes equal what is on the report).

Art Unit: 2193

**Claim 2**

The system of Claim 1, wherein the information associated with the code version conforms to a standard form and includes comments describing the code version.

Interpretation

Java language has syntax and semantics (Its own standard).

**Claim 3**

The system of Claim 1, further including a linker module in communication with the code control system, the linker module operable to link the object version into an executable version.

Interpretation

Java produces a running program.

**Claim 4**

The system of Claim 3, wherein the linker is further operable to discriminate when the code version is compiled into the object version.

Interpretation

Linkers link object code before and after they have been modified.

**Claim 5**

The system of Claim 1, wherein the parser module is further operable to discriminate when the code version has changed.

Interpretation

Parsers work on code before and after they are altered.

**Claim 10**

The system of Claim 1, further comprising an interface definition language grinder module operable to transform an interface definition language document into the code version.

JAVA, page 139, to top pf page 139, covers the interprocedural call graph used in incremental compiling, JAVA, page 129, Abstract teaches the Java as the language.

**Claim 11**

The system of Claim 10, wherein the code version of the interface definition language grinder module is further defined as a Java code version.

JAVA, page 139, to top pf page 139, covers the interprocedural call graph used in incremental compiling, JAVA, page 129, Abstract teaches the Java as the language.

**Claim 23**

A method for building a software version, comprising: storing a revised code version and a description of the revisions in a code control system; generating a change report based on the description of the revisions to the revised code version; authorizing a build of a software version including the revised code version; and building the software version based on the change report. See the rejection for claim 1.

Art Unit: 2193

**Claim 26**

The method of Claim 23 wherein building the software further comprises: grinding an interface definition language document to produce a Java code version; and compiling the Java code version.

JAVA, page 139, to top pf page 139, covers the interprocedural call graph used in incremental compiling, JAVA, page 129, Abstract teaches the Java as the language.

**Claim 27**

The method of Claim 23, wherein building the software further includes compiling and linking the code version. (JAVA, the steps from code to executable).

**Claim 28**

The method of Claim 23, wherein the generating a change report further includes sending an email notification of the change report to one or more administrators.

**Interpretation**

Authorized can mean they have an email account.

Official Notice is taken that the use of email was well known at the time of invention and one of ordinary skill in the art would know how to send and email, because email helps individuals communicate.

NOTE: The present limitations do not even make the report an attachment. Just the fact one has been run is the scope of the claim.

**Claim 29**

The method of Claim 23, wherein the authorizing the software build includes sending an email notification of the authorization to one or more software developers.

**Interpretation**

Authorized can mean they have an email account.

Official Notice is taken that the use of email was well known at the time of invention and one of ordinary skill in the art would know how to send and email, because email helps individuals communicate.

7. Claims 24 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over VS and Java as applied to claim 23 above, and further in view of XML as taught by Mastering XMI, Java Programming with XMI, XML and UML, timothy J. Grose et al, published 2002.
- VSS teaches a configuration system, JAVA teaches a programming language and XML teaches the parsing of XML which has document type definitions by definition of XML. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine

Art Unit: 2193

the teachings to enable XML and Java project to benefit from configuration management and incremental compiling, such as use of commonly used tool saves money in hiring costs.

**Claim 24**

The method of Claim 23, wherein building the software version further includes compiling a document type definition document into metadata classes.

**Claim 25**

The method of Claim 24, wherein the metadata classes are further defined to be Vitria BusinessWare metadata classes. (Java, page 138 – call graph information is the meta data)

**Examiner's Rejection**

The choice of programming language one elects to use when the defining of meta modeling performs the same function as many other programming languages is not given patentable weight. It is deemed a choice to use a tool as intended.

***Allowable Subject Matter***

8. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Claim 6**

The system of Claim 1, wherein the change report is associated with a state including one of a pending state, an approved state, and a disapproved state.

**Claim 7**

The system of Claim 6, wherein the compiler module is further operable to discriminate when the change report transitions from the pending state to the approved state.

**Claim 8**

The system of Claim 1, further comprising: a document type definition compiler module operable to compile a document type definition document version into a plurality of metadata class versions and wherein the code control system is further operable to store the metadata class versions.

**Claim 9**

The system of Claim 8, wherein the metadata class versions are further defined as Vitria BusinessWare metadata class versions.

Art Unit: 2193

*Allowable Subject Matter*

9. Claims 12 – 22 are allowed.

**Claim 12**

A method of managing software builds, comprising: changing, by a developer, source code of a software archive maintained by a source archive system; requesting a build of the software archive including the source code, the request including a build request template; generating a change matrix based on the build request template; notifying an approver of the software build request; notifying the developer when the software build request is denied by the approver; and rebuilding the software archive maintained by the source archive system based upon the change matrix when the software build request is approved by the approver.

**Claim 13**

The method of Claim 12, wherein notifying the approver further comprises: generating a unique number associated with the change matrix; and providing a test condition

**Claim 14**

The method of Claim 13, wherein test condition is further defined as a document related to testing the source code.

**Claim 15**

The method of Claim 12, wherein generating the change matrix includes: providing a plurality of comments in the build request template; parsing at least some of the plurality of comments of the build request template into objects; and providing the objects to change matrix.

**Claim 16**

The method of Claim 15, wherein the comments include a description, a number associated with the request and information related to changes to the source code.

**Claim 17**

The method of Claim 16, wherein the number associated with the request is further defined as a unique number.

**Claim 18**

The method of Claim 16, wherein the changes to the source code include a fields changed portion and an events changed portion.

**Claim 19**

The method of Claim 12, wherein rebuilding the software archive further comprises: providing a plurality of data type definition files associated with the software archive; providing a plurality of interface definition language files associated with the software archive; manipulating a changed one of the plurality of data type definition files; and manipulating a changed one of the interface definition language files.



Art Unit: 2193

**Claim 20**

The method of Claim 12, wherein rebuilding the software archive further comprises: identifying a plurality of components of the software archive necessary for to rebuild the software archive; stamping, with a previous build information, the components of the software archive; and determining the components to re-compile based on the stamp; and compiling the components of the software archive based on the stamp.

**Claim 21**

The method of Claim 20, further comprising compiling only the components of the software archive stamped with a time indicating the component has been modified since a previous build.

**Claim 22**

The method of Claim 20, wherein the previous build information is further defined as a time stamp associated with each component of the software archive.

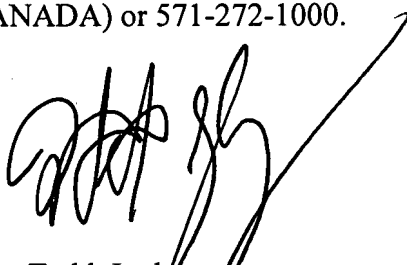
***Correspondence Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2193

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd Ingberg  
Primary Examiner  
Art Unit 2193

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